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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
EASTERN DIVISION

JONATHAN LEE RICHES,	)	
	)	
Plaintiff,	)	No. C 07-2062
	)	
vs.	)	ORDER
	)	
MIKE TYSON,	)	
	)	
Defendant.	)	
	)	

This matter is before the court on plaintiff's Application to Proceed In Forma Pauperis, filed September 17, 2007. Denied. Dismissed.

Plaintiff, presently confined in the Federal Correctional Institution in Williamsburg, South Carolina, brings this action seeking damages and injunctive relief for defendant's claimed violations of his civil rights.

In support, plaintiff asserts that while at a night club in Cedar Falls, Iowa, defendant attacked him, causing injuries.

Noting plaintiff has characterized this matter as a civil rights action, the court has jurisdiction over civil rights actions claiming the deprivation of such rights under color of state law. 42 USC §1983. Plaintiff alleging no such deprivation under color of state law, the matter is subject to dismissal as frivolous. Moreover, the court notes that as set forth in Riches v. Gordan, 2007 WL 2746881 (WD NC 2007), plaintiff has filed at least three civil rights complaints that have been dismissed as frivolous, malicious, or failed to state a claim.

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Plaintiff neither demonstrating imminent danger nor having paid the filing fee, he may not proceed with this action. 28 USC §1915(g).

It is therefore

ORDERED

1. Application to Proceed in Forma Pauperis denied.

2. Dismissed.

October 3, 2007.

Edward J. McManus, Judge
UNITED STATES DISTRICT COURT